

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
Ex parte Saidman et al.
Appeal No. _____**

Serial No.: 10/700,612
Filed: November 4, 2003
Art Unit: 3752
Examiner: Steven J. Ganey
Inventor: Laurence B. Saidman et al.
Title: LIQUID MATERIAL DISPENSING APPARATUS AND METHOD
UTILIZING PULSED PRESSURIZED AIR
Attorney Docket: NOR-1114
Confirmation No.: 6511

Cincinnati, Ohio 45202

January 7, 2009

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

In response to the Notification of Non-Compliant Appeal Brief mailed December 17, 2008, a Status of Claims in accordance with 37 C.F.R. §41.37(c)(1)(iii) is submitted herewith, as set forth MPEP §1205.3.

III. Status of Claims

Claims 1, 2, 4-11, 13, and 14 remain pending in the Application after the final rejection dated June 30, 2008, and are subject to this Appeal. Claims 3 and 12 were canceled. Claims 10, 11, and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by PCT Publication No. WO99/54057. Claims 1, 2, 4-6, 9, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over WO99/54057. Claims 7 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of WO99/54057 and U.S. Patent No. 4,995,333 to Keller et al.

Conclusion

Appellants do not believe that any fee is due in connection with this submission. However, if any fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

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